

## **BOARD OF FORESTRY AND FIRE PROTECTION PROFESSIONAL FORESTERS REGISTRATION**

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### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE**

#### **Open Session Meeting/Teleconference Minutes**

**Held: Thursday, June 16, 2011**

Resources Building, 1416 9th Street  
**DIRECTOR'S SMALL CONFERENCE ROOM, NO. 1501**  
Sacramento, California

**Members Present:**

Doug Ferrier, Chair  
Otto van Emmerik, Vice-Chair (by phone)  
Jerry Jensen (by phone)  
Raymond Flynn  
Tom Osipowich  
Kim Rodrigues  
Bill Frost

**Staff Participating:**

Eric Huff, Executive Officer

**Members of Public:**

Bill Solinsky, California Licensed Foresters Association  
(by phone)

***~ Items appear in the order in which they were discussed by the Committee~***

**Item #5: New and Unfinished Business – Report from Board Executive Officer.**

Chairman Ferrier introduced the Board of Forestry and Fire Protection's Executive Officer, George Gentry and asked him to provide the Committee with a status report on the Board's current composition and activities. Mr. Gentry began with an update on the current membership of the Board noting that Member, Gary Nakamura would be leaving the Board later this summer due to his recent retirement from the University of California.

Mr. Gentry then discussed a proposed state budget provision that would invoke fees for fire prevention activities associated with legally-inhabited structures in designated State Responsibility Areas (SRA). He also noted that fees for Timber Harvesting Plan review have been included once again in the latest proposed budget. The Governor has twelve days in which to take action on the proposed budget.

The Board will be losing longtime Regulations Coordinator, Chris Zimny to another position within the Department as of July 1. The Board's remaining staff will take up the high priority activities that were previously Mr. Zimny's responsibility, including but not limited to review of the Forest Practice Rules for roads.

Member Flynn asked about the possibility of exclusions from the SRA and THP fee proposals. Mr. Gentry responded that the Board could consider exclusions as part of anticipated regulation development should the fee provisions be signed into law.

Member Rodrigues asked about the status of prospective new appointees to the Board in light of the Board's possible lack of quorum following Board Member Nakamura's departure. Mr. Gentry responded that a number of individuals seeking appointment to the Board have applied to the Governor's Office, but action on those applications has yet to occur.

At Executive Officer Huff's request, Mr. Gentry then summarized the Board's priority action items for the remainder of the year reflecting Mr. Zimny's departure from the Regulations Coordinator position.

Member Rodrigues asked if the Board would be able to recruit a replacement for Mr. Zimny. Mr. Gentry responded that he was currently working to address the hiring of a new Regulations Coordinator.

**Item #1: Approval of Open Session minutes of February 17, 2011 Meeting.**

Member Osipowich questioned whether or not the RPF examination graders, proctors, and expert examiner had finally been paid for the last exam offering. Mr. Huff responded affirmatively.

**06-11-01** Member Osipowich moved to approve the minutes and Member Flynn seconded the motion. The motion carried with one abstention due to absence.

**Item #2: Reports of Chairman and Executive Officer**

The Chairman deferred to Executive Officer Huff who reported on his Board-related activities since the last Committee meeting. Mr. Huff noted that he has been preoccupied with a number of high priority Board assignments lately and that licensing related work has suffered as a result. In recognition of this imbalance, Mr. Huff resigned his voluntary staffing of the Board's Range Management Advisory Committee (RMAC) and intends to focus spare time solely on the administration of the licensing program.

Member Rodrigues suggested that the next edition of Licensing News could include information on Mr. Huff's Board-related work in some form. Mr. Huff concurred with this suggestion.

**Item #3: Review of Draft Conceptual Revisions and Amendments to the Professional Foresters Law, Public Resources Code Section 750.**

Chairman Ferrier introduced the topic and summarized the latest revisions to the draft proposal for amendment of the Professional Foresters Law. The revisions reflect the direction of the Committee at the February 2011 meeting as well as Deputy Attorney General Shana Bagley's suggested changes related to inclusion of civil penalties provisions.

Executive Officer Huff reported on his conversation about the proposal with Government Affairs Specialist, Bill Key of the California Licensed Foresters Association.

During their discussion, Mr. Keye offered a wise suggestion that Mr. Huff engage in rigorous outreach to prospective opponents of such a legislative proposal to address in advance any concerns or points of disagreement before going further. Unless and until it is clear that the proposal would not engender conflict with prospective opponents, Mr. Keye believes it would be imprudent to begin solicitation for a legislative sponsor. Mr. Huff concurs with this perspective and explained to the Committee that he intends to begin the necessary outreach to prospective opponents immediately and report on his efforts at the next Committee meeting.

Mr. Huff also explained that he had invited the Society for Range Management's CRM Certification Panel to review the proposal and offer possible edits.

**Item #4: Review and Discussion of Draft Revised Guidelines for the Certified Rangeland Manager Program, Title 14, California Code of Regulations Section 1651(c).**

Executive Officer Huff introduced the topic and explained the necessity of the draft rulemaking proposal. Because the Title 14 Registration of Professional Foresters Rules reference by date an earlier version of the CRM Program Guidelines that are no longer in use, the Rules must now be amended to reference the date of the Program Guidelines that are in fact currently in use. This has given the CRM Panel an opportunity to review their Program Guidelines and amend them at their discretion prior to the Board's anticipated review and action on the rulemaking proposal.

Mr. Huff reviewed the specific changes made to the draft to incorporate applicable sections of the Administrative Procedures Act and Professional Foresters Law. Member Frost questioned why the Associate Range Manager (ARM) provisions of the Program Guidelines had been struck. Mr. Huff replied that when the Board originally adopted the CRM Specialty Certification, it apparently did not recognize at that time that it was also adopting the ARM Specialty Certification as an incorporated element of the referenced Program Guidelines. Though the ARM certificate is a long incorporated part of the CRM Program, it was never really formally recognized as a certified specialty. Member Frost wondered if the ARM really should be included as an element of the CRM Program. He did not have an answer to that question, but suggested that it should be considered as the Program Guidelines discussion moves forward.

The discussion of the ARM/CRM relationship led to introduction of the idea that the Board could adopt the language of the CRM Program Guidelines as additional Title 14 Professional Foresters Rules rather than simply referencing the existence of the Guidelines in those same Rules. In this manner, all of the important elements of the CRM Specialty Certification Program, including but not limited to the ARM certification, could be explicitly stated in the same location as the rest of the Professional Foresters Rules. The PFEC Members expressed support for this idea. Member Frost noted that it could additionally serve to elevate the standing of the CRM Program.

Discussion concluded with Chairman Ferrier's direction that the Executive Officer forward the revised version of the Guidelines to the CRM Panel and solicit their perspective on the idea of adopting the entire Program in the Rules. Member Rodrigues suggested that Deputy Attorney General, Shana Bagley should also be consulted on this idea.

**Item #5: New and Unfinished Business**

Executive Officer Huff reported that he had emailed the revised set of PFEC Priorities for 2011 and that CLFA had also received a copy.

**Adjournment**

**06-11-02** Member Flynn moved to adjourn the open session. Vice-Chair van Emmerik seconded the motion. The motion carried unanimously.

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